



Reprinted
March 1, 2006

ENGROSSED SENATE BILL No. 305

DIGEST OF SB 305 (Updated February 28, 2006 10:02 pm - DI 104)

Citations Affected: IC 9-13; IC 9-21; IC 20-27; IC 20-33.

Synopsis: School and transportation matters. Requires a special purpose bus to stop before crossing railroad tracks. Provides that a school bus or special purpose bus may not be operated with passengers on board if an exit or emergency exit window is obstructed, and makes a violation a Class B infraction. Sets speed limits for special purpose buses. Allows the state school bus committee to adopt rules concerning special purpose buses. Requires the local authority to perform an engineering and traffic investigation under certain circumstances in order to change speed limits. Provides that if a student at least 18 years of age is interrogated by a law enforcement officer, including a school corporation police officer: (1) on school property; and (2) regarding an investigation in which the student may be a suspect; the school principal must notify the student's parent or guardian. Provides that a school policy regarding interrogation of a student by a law enforcement officer must apply to all students regardless of age.

Effective: July 1, 2006.

Rogers, Young R Michael

(HOUSE SPONSORS — HINKLE, KLINKER)

January 9, 2006, read first time and referred to Committee on Corrections, Criminal, and Civil Matters.

January 26, 2006, amended, reported favorably — Do Pass.

January 30, 2006, read second time, ordered engrossed. Engrossed.

February 2, 2006, read third time, passed. Yeas 50, nays 0.

HOUSE ACTION

February 7, 2006, read first time and referred to Committee on Roads and Transportation.

February 21, 2006, amended, reported — Do Pass.

February 28, 2006, read second time, amended, ordered engrossed.

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Reprinted
March 1, 2006

Second Regular Session 114th General Assembly (2006)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2005 Regular Session of the General Assembly.

ENGROSSED SENATE BILL No. 305

A BILL FOR AN ACT to amend the Indiana Code concerning education.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 9-13-2-170.7 IS ADDED TO THE INDIANA
2 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
3 [EFFECTIVE JULY 1, 2006]: **Sec. 170.7. "Special purpose bus" has**
4 **the meaning set forth in IC 20-27-2-10.**
- 5 SECTION 2. IC 9-21-5-2, AS AMENDED BY P.L.151-2005,
6 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
7 JULY 1, 2006]: Sec. 2. Except when a special hazard exists that
8 requires lower speed for compliance with section 1 of this chapter, the
9 slower speed limit specified in this section or established as authorized
10 by section 3 of this chapter is the maximum lawful speed. A person
11 may not drive a vehicle on a highway at a speed in excess of the
12 following maximum limits:
- 13 (1) Thirty (30) miles per hour in an urban district.
 - 14 (2) Fifty-five (55) miles per hour, except as provided in
 - 15 subdivisions (1), (3), (4), (5), (6), and (7).
 - 16 (3) Seventy (70) miles per hour on a highway on the national
 - 17 system of interstate and defense highways located outside of an

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urbanized area (as defined in 23 U.S.C. 101) with a population of at least fifty thousand (50,000), except as provided in subdivision (4).

(4) Sixty-five (65) miles per hour for a:

(i) vehicle (other than a bus) having a declared gross weight greater than twenty-six thousand (26,000) pounds on a highway; **or**

(ii) **special purpose bus;**

on the national system of interstate and defense highways located outside an urbanized area (as defined in 23 U.S.C. 101) with a population of at least fifty thousand (50,000).

(5) Sixty-five (65) miles per hour on:

(A) U.S. 20 from the intersection of U.S. 20 and County Road 17 in Elkhart County to the intersection of U.S. 20 and U.S. 31 in St. Joseph County;

(B) U.S. 31 from the intersection of U.S. 31 and U.S. 20 in St. Joseph County to the boundary line between Indiana and Michigan; and

(C) a highway classified by the Indiana department of transportation as an INDOT Freeway.

(6) On a highway that is the responsibility of the Indiana ~~transportation~~ finance authority established by ~~IC 8-9.5-8-2~~:

IC 4-4-11:

(A) seventy (70) miles per hour for:

(i) a motor vehicle having a declared gross weight of not more than twenty-six thousand (26,000) pounds; or

(ii) a bus; or

(B) sixty-five (65) miles per hour for a:

(i) motor vehicle having a declared gross weight greater than twenty-six thousand (26,000) pounds; **or**

(ii) **special purpose bus.**

(7) Sixty (60) miles per hour on a highway that:

(A) is not designated as a part of the national system of interstate and defense highways;

(B) has four (4) or more lanes;

(C) is divided into two (2) or more roadways by:

(i) an intervening space that is unimproved and not intended for vehicular travel;

(ii) a physical barrier; or

(iii) a dividing section constructed to impede vehicular traffic; and

(D) is located outside an urbanized area (as defined in 23

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1 U.S.C. 101) with a population of at least fifty thousand
 2 (50,000).

3 (8) Fifteen (15) miles per hour in an alley.

4 SECTION 3. IC 9-21-5-6 IS AMENDED TO READ AS FOLLOWS
 5 [EFFECTIVE JULY 1, 2006]: Sec. 6. (a) Except as provided in
 6 subsection (e), whenever a local authority in the authority's jurisdiction
 7 determines ~~on the basis of an engineering and traffic investigation~~ that
 8 the maximum speed permitted under this chapter is greater or less than
 9 reasonable and safe under the conditions found to exist on a highway
 10 or part of a highway, the local authority may determine and declare a
 11 reasonable and safe maximum limit on the highway. The maximum
 12 limit declared under this section may do any of the following:

13 (1) Decrease the limit within urban districts, but not to less than
 14 twenty (20) miles per hour.

15 (2) Increase the limit within an urban district, but not to more than
 16 fifty-five (55) miles per hour during daytime and fifty (50) miles
 17 per hour during nighttime.

18 (3) Decrease the limit outside an urban district, but not to less
 19 than thirty (30) miles per hour.

20 (4) Decrease the limit in an alley, but to not less than five (5)
 21 miles per hour.

22 (5) Increase the limit in an alley, but to not more than thirty (30)
 23 miles per hour.

24 **The local authority must perform an engineering and traffic**
 25 **investigation before a determination may be made to change a**
 26 **speed limit under subdivision (2), (3), (4), or (5) or before the speed**
 27 **limit within an urban district may be decreased to less than**
 28 **twenty-five (25) miles per hour under subdivision (1).**

29 (b) A local authority in the authority's jurisdiction shall determine
 30 by an engineering and traffic investigation the proper maximum speed
 31 for all local streets and shall declare a reasonable and safe maximum
 32 speed permitted under this chapter for an urban district. **However, an**
 33 **engineering and traffic study is not required to be performed for**
 34 **the local streets in an urban district under this subsection if the**
 35 **local authority determines that the proper maximum speed in the**
 36 **urban district is not less than twenty-five (25) miles per hour.**

37 (c) An altered limit established under this section is effective at all
 38 times or during hours of darkness or at other times as may be
 39 determined when appropriate signs giving notice of the altered limit are
 40 erected on the street or highway.

41 (d) Except as provided in this subsection, a local authority may not
 42 alter a speed limit on a highway or extension of a highway in the state

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highway system. A city or town may establish speed limits on state highways upon which a school is located. However, a speed limit established under this subsection is valid only if the following conditions exist:

- (1) The limit is not less than twenty (20) miles per hour.
- (2) The limit is imposed only in the immediate vicinity of the school.
- (3) Children are present.
- (4) The speed zone is properly signed.
- (5) The Indiana department of transportation has been notified of the limit imposed by certified mail.

(e) A local authority may decrease a limit on a street to not less than fifteen (15) miles per hour if the following conditions exist:

- (1) The street is located within a park or playground established under IC 36-10.
- (2) The:
 - (A) board established under IC 36-10-3;
 - (B) board established under IC 36-10-4; or
 - (C) park authority established under IC 36-10-5;
 requests the local authority to decrease the limit.
- (3) The speed zone is properly signed.

SECTION 4. IC 9-21-12-11, AS AMENDED BY P.L.231-2005, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 11. (a) A person who violates section 5, 6, or 7 of this chapter commits a Class C infraction.

(b) A person who knowingly or intentionally violates section 12, 13, 14, 15, 16, or 17 of this chapter commits a Class C misdemeanor.

(c) A person who violates section 18 of this chapter commits a Class B infraction.

SECTION 5. IC 9-21-12-17, AS ADDED BY P.L.1-2005, SECTION 31, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 17. (a) Except as provided in subsection (b), before crossing any railroad track at grade, the driver of a school bus **or special purpose bus** carrying a passenger shall stop the bus within fifty (50) feet but not less than fifteen (15) feet from the nearest rail. While the bus is stopped, the driver shall:

- (1) listen through an open door;
- (2) look in both directions along the track for an approaching train; and
- (3) look for signals indicating the approach of a train.

The driver may not proceed until it is safe to proceed. When it is safe to proceed, the driver shall select a gear that will allow the driver to

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cross the tracks without changing gears. The driver may not shift gears while crossing the tracks.

(b) The driver is not required to stop when a police officer is directing the flow of traffic across railroad tracks.

(c) Upon conviction of a violation of this section, a driver shall have the driver's operator's license suspended for a period of not less than sixty (60) days in addition to the penalties provided by section 11 of this chapter.

SECTION 6. IC 9-21-12-18 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: **Sec. 18. (a) Whenever a school bus or special purpose bus is at a place of departure for transporting passengers, the school bus or special purpose bus emergency escape exits, doors, emergency exit windows, roof exits, and service doors must be free of any obstruction that:**

(1) inhibits or obstructs an exit; or

(2) renders the means of exit hazardous.

(b) A school corporation or an entity that employs a:

(1) driver who knowingly violates this section; or

(2) person who knowingly directs a person to violate this section;

is subject to the penalties provided in section 11 of this chapter.

SECTION 7. IC 20-27-3-4, AS ADDED BY P.L.1-2005, SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: **Sec. 4. (a) The committee has the following powers:**

(1) The committee may adopt rules under IC 4-22-2 establishing standards for the construction of school buses and special purpose buses, including minimum standards for the construction of school buses and special purpose buses necessary to be issued a:

(A) valid certificate of inspection decal; and

(B) temporary certificate of inspection decal described in IC 20-27-7-10.

(2) The committee may adopt rules under IC 4-22-2 establishing standards for the equipment of school buses and special purpose buses, including minimum standards for the equipment of school buses and special purpose buses necessary to be issued a:

(A) valid certificate of inspection decal; and

(B) temporary certificate of inspection decal described in IC 20-27-7-10.

(3) The committee may adopt rules under IC 4-22-2 specifying the minimum standards that must be met to avoid the issuance of

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an out-of-service certificate of inspection decal.

(4) The committee may provide for the inspection of all school buses **and special purpose buses**, new or old, that are offered for sale, lease, or contract.

(5) The committee may provide for the annual inspection of all school buses **and special purpose buses** and the issuance of certificate of inspection decals.

(6) The committee may maintain an approved list of school buses **and special purpose buses** that have passed inspection tests under subdivision (4) or (5).

(7) The committee may, subject to approval by the state board of accounts, prescribe standard forms for school bus **driver** contracts.

(8) The committee may hear appeals brought under IC 20-27-7-15.

(b) The committee shall adopt rules under IC 4-22-2 to set performance standards and measurements for determining the physical ability necessary for an individual to be a school bus driver.

(c) The certificate of inspection decals shall be issued to correspond with each school year. Each certificate of inspection decal expires on September 30 following the school year in which the certificate of inspection decal is effective. However, for buses that are described in IC 20-27-7-7, the certificate of inspection decal expires on a date that is not later than seven (7) months after the date of the first inspection for the particular school year.

SECTION 8. IC 20-27-3-7, AS ADDED BY P.L.1-2005, SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 7. (a) A school bus **or special purpose bus** sold or delivered in Indiana must meet the standards of construction and equipment set forth in the rules of the committee.

(b) A school bus may not be originally licensed in Indiana until the school bus has been inspected by the state police department and found to comply with these standards.

SECTION 9. IC 20-33-11 IS ADDED TO THE INDIANA CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]:

Chapter 11. Interrogation of a Student

Sec. 1. The definitions in IC 20-33-8 apply to this chapter.

Sec. 2. A school shall comply with section 3 or 4 of this chapter.

Sec. 3. If a student who is at least eighteen (18) years of age is interrogated by a law enforcement officer, including a school corporation police officer appointed under IC 20-26-16:

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1 (1) on school property; and
2 (2) regarding an investigation in which the student may be a
3 suspect;
4 the school principal must notify the student's parent or guardian
5 of the interrogation not later than twelve (12) hours after the
6 interrogation occurs.
7 Sec. 4. If a school has a policy that requires a student's parent
8 or guardian to be notified by the school if the student is
9 interrogated on school property by a law enforcement officer, the
10 school policy must apply to all students, regardless of the age of the
11 student.

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SENATE MOTION

Madam President: I move that Senator Young R Michael be added as second author of Senate Bill 305.

ROGERS

 COMMITTEE REPORT

Madam President: The Senate Committee on Corrections, Criminal, and Civil Matters, to which was referred Senate Bill No. 305, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 1, line 10, after "16," reset in roman "or".

Page 1, line 10, delete ", or 18".

Page 1, between lines 11 and 12, begin a new paragraph and insert:

"(c) A person who violates section 18 of this chapter commits a Class A infraction."

Page 2, line 20, after "doors," insert **"emergency exit"**.

and when so amended that said bill do pass.

(Reference is to SB 305 as introduced.)

LONG, Chairperson

Committee Vote: Yeas 7, Nays 0.

 COMMITTEE REPORT

Mr. Speaker: Your Committee on Roads and Transportation, to which was referred Senate Bill 305, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, line 12, delete "A" and insert **"B"**.

and when so amended that said bill do pass.

(Reference is to SB 305 as printed January 27, 2006.)

DUNCAN, Chair

Committee Vote: yeas 8, nays 2.

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HOUSE MOTION

Mr. Speaker: I move that Engrossed Senate Bill 305 be amended to read as follows:

Page 1, line 3, delete "bus", for" and insert "**bus**".

Page 1, line 4, delete "purposes of IC 9-21-12,".

Page 1, between lines 4 and 5, begin a new paragraph and insert:

"SECTION 2. IC 9-21-5-2, AS AMENDED BY P.L.151-2005, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 2. Except when a special hazard exists that requires lower speed for compliance with section 1 of this chapter, the slower speed limit specified in this section or established as authorized by section 3 of this chapter is the maximum lawful speed. A person may not drive a vehicle on a highway at a speed in excess of the following maximum limits:

- (1) Thirty (30) miles per hour in an urban district.
- (2) Fifty-five (55) miles per hour, except as provided in subdivisions (1), (3), (4), (5), (6), and (7).
- (3) Seventy (70) miles per hour on a highway on the national system of interstate and defense highways located outside of an urbanized area (as defined in 23 U.S.C. 101) with a population of at least fifty thousand (50,000), except as provided in subdivision (4).
- (4) Sixty-five (65) miles per hour for a:

(i) vehicle (other than a bus) having a declared gross weight greater than twenty-six thousand (26,000) pounds on a highway; **or**

(ii) **special purpose bus;**

on the national system of interstate and defense highways located outside an urbanized area (as defined in 23 U.S.C. 101) with a population of at least fifty thousand (50,000).

- (5) Sixty-five (65) miles per hour on:

(A) U.S. 20 from the intersection of U.S. 20 and County Road 17 in Elkhart County to the intersection of U.S. 20 and U.S. 31 in St. Joseph County;

(B) U.S. 31 from the intersection of U.S. 31 and U.S. 20 in St. Joseph County to the boundary line between Indiana and Michigan; and

(C) a highway classified by the Indiana department of transportation as an INDOT Freeway.

- (6) On a highway that is the responsibility of the Indiana ~~transportation~~ finance authority established by ~~IC 8-9.5-8-2:~~ **IC 4-4-11:**

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- (A) seventy (70) miles per hour for:
 - (i) a motor vehicle having a declared gross weight of not more than twenty-six thousand (26,000) pounds; or
 - (ii) a bus; or
 - (B) sixty-five (65) miles per hour for a:
 - (i) motor vehicle having a declared gross weight greater than twenty-six thousand (26,000) pounds; **or**
 - (ii) **special purpose bus.**
 - (7) Sixty (60) miles per hour on a highway that:
 - (A) is not designated as a part of the national system of interstate and defense highways;
 - (B) has four (4) or more lanes;
 - (C) is divided into two (2) or more roadways by:
 - (i) an intervening space that is unimproved and not intended for vehicular travel;
 - (ii) a physical barrier; or
 - (iii) a dividing section constructed to impede vehicular traffic; and
 - (D) is located outside an urbanized area (as defined in 23 U.S.C. 101) with a population of at least fifty thousand (50,000).
 - (8) Fifteen (15) miles per hour in an alley."
- Renumber all SECTIONS consecutively.
- (Reference is to ESB 305 as printed February 22, 2006.)

HINKLE

HOUSE MOTION

Mr. Speaker: I move that Engrossed Senate Bill 305 be amended to read as follows:

Page 3, after line 41, begin a new paragraph and insert:

"SECTION 7. IC 20-33-11 IS ADDED TO THE INDIANA CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]:

Chapter 11. Interrogation of a Student

Sec. 1. The definitions in IC 20-33-8 apply to this chapter.

Sec. 2. A school shall comply with section 3 or 4 of this chapter.

Sec. 3. If a student who is at least eighteen (18) years of age is interrogated by a law enforcement officer, including a school corporation police officer appointed under IC 20-26-16:

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(1) on school property; and
 (2) regarding an investigation in which the student may be a suspect;
 the school principal must notify the student's parent or guardian of the interrogation not later than twelve (12) hours after the interrogation occurs.

Sec. 4. If a school has a policy that requires a student's parent or guardian to be notified by the school if the student is interrogated on school property by a law enforcement officer, the school policy must apply to all students, regardless of the age of the student."

Renumber all SECTIONS consecutively.

(Reference is to ESB 305 as printed February 22, 2006.)

VAN HAAFTEN

HOUSE MOTION

Mr. Speaker: I move that Engrossed Senate Bill 305 be amended to read as follows:

Page 1, between lines 4 and 5, begin a new paragraph and insert:

"SECTION 2. IC 9-21-5-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 6. (a) Except as provided in subsection (e), whenever a local authority in the authority's jurisdiction determines ~~on the basis of an engineering and traffic investigation~~ that the maximum speed permitted under this chapter is greater or less than reasonable and safe under the conditions found to exist on a highway or part of a highway, the local authority may determine and declare a reasonable and safe maximum limit on the highway. The maximum limit declared under this section may do any of the following:

- (1) Decrease the limit within urban districts, but not to less than twenty (20) miles per hour.
- (2) Increase the limit within an urban district, but not to more than fifty-five (55) miles per hour during daytime and fifty (50) miles per hour during nighttime.
- (3) Decrease the limit outside an urban district, but not to less than thirty (30) miles per hour.
- (4) Decrease the limit in an alley, but to not less than five (5) miles per hour.
- (5) Increase the limit in an alley, but to not more than thirty (30)

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miles per hour.

The local authority must perform an engineering and traffic investigation before a determination may be made to change a speed limit under subdivision (2), (3), (4), or (5) or before the speed limit within an urban district may be decreased to less than twenty-five (25) miles per hour under subdivision (1).

(b) A local authority in the authority's jurisdiction shall determine by an engineering and traffic investigation the proper maximum speed for all local streets and shall declare a reasonable and safe maximum speed permitted under this chapter for an urban district. **However, an engineering and traffic study is not required to be performed for the local streets in an urban district under this subsection if the local authority determines that the proper maximum speed in the urban district is not less than twenty-five (25) miles per hour.**

(c) An altered limit established under this section is effective at all times or during hours of darkness or at other times as may be determined when appropriate signs giving notice of the altered limit are erected on the street or highway.

(d) Except as provided in this subsection, a local authority may not alter a speed limit on a highway or extension of a highway in the state highway system. A city or town may establish speed limits on state highways upon which a school is located. However, a speed limit established under this subsection is valid only if the following conditions exist:

- (1) The limit is not less than twenty (20) miles per hour.
- (2) The limit is imposed only in the immediate vicinity of the school.
- (3) Children are present.
- (4) The speed zone is properly signed.
- (5) The Indiana department of transportation has been notified of the limit imposed by certified mail.

(e) A local authority may decrease a limit on a street to not less than fifteen (15) miles per hour if the following conditions exist:

- (1) The street is located within a park or playground established under IC 36-10.
- (2) The:
 - (A) board established under IC 36-10-3;
 - (B) board established under IC 36-10-4; or
 - (C) park authority established under IC 36-10-5;
 requests the local authority to decrease the limit.

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(3) The speed zone is properly signed."

Renumber all SECTIONS consecutively.

(Reference is to ESB 305 as printed February 22, 2006.)

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